

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services-Treasuries & Accounts Department - Sri P.Harinath Reddy, Senior Accountant, District Treasury Office, Kurnool – Dismissed from service – Hon'ble Andhra Pradesh Administrative Tribunal set aside the Dismissal Order – Reinstated – Orders – Issued.

FINANCE (ADMN-I) DEPARTMENT

G.O.Rt.No.534

Dated: 13-03-2015.

Read the following:

1. Proceedings. No. K(I)1/1073/2001, dated.24.8.2005 of the Director of Treasuries and Accounts, A.P., Hyderabad.
2. Orders of A.P. Administrative Tribunal in O.A No.5202/05, dt:08-03-2006
3. Orders of Hon'ble High Court, Hyderabad in W.P. No.12164/2006 dt.23.06.2014.
4. Lr No.G2/K(1)1/16554/2005,dt:02-09-2014 of the Director of Treasuries and Accounts, A.P., Hyderabad.
5. Lr No.WP12164/2006/KRL/SER/HC, dt:29.12.2014 of G.P for Services, High Court, Hyderabad.

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O R D E R:-

The individual Sri P.Harinath Reddy, Senior Accountant, District Treasury Office, Kurnool was dismissed from the service, in the reference 1st read above, on the charge that Sri P.Harinath Reddy, while working as Senior Accountant in Sub-Treasury Office, Dhone, thrust an amount of Rs.2110/- in the hands of Sri. N.V Krishna, an outsider, and fled away by seeing the ACB Officials. He violated the instructions contained in Sub Rule (1) and (2) of Rule 3 of APCS (Conduct) Rules, 1964 and thus failed to maintain integrity, devotion to duty and exhibited lack of devotion and acted in a manner of un-becoming of Government Servant.

2. Aggrieved by those orders, Sri P.Harinath Reddy, Senior Accountant (dismissed) approached the Hon'ble Tribunal by filing an OA No. 5202/2005. The Hon'ble Tribunal after examination of the original record of the Director of Treasuries and Accounts, A.P., Hyderabad proceedings, has observed that:

".....the statement of N.V.Krishna given to the ACB Officials on the date of surprise check dt.2-5-2000, to be taken into account for deferring with the enquiry officers report, is itself in violation of the principles of natural justice, i.e., statement taken behind the back of the applicant. Therefore, relying upon such material vitiates the impugned orders.

The disciplinary authority has not independently applied it's mind to the facts and circumstances of the case and the report submitted by the enquiry officer and all consequential proceedings were passed on the directions given by the Government and thereby set aside the Proceedings issued vide reference 1st read above, in which the individual was dismissed."

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3. Government filed a Writ Petition No.12164 of 2006 against the orders of Hon'ble Tribunal, in the Hon'ble Andhra Pradesh High Court. In the Judgment, dt.23.06.2014, the Hon'ble High Court dismissed the above Writ Petition No.12164/2006 and opined that "the order of Andhra Pradesh Administrative Tribunal needs no interference by this Court" (High Court).

4. The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad while forwarding the orders of High Court of Hyderabad, requested the Government to issue necessary orders in the matter.

5. This Department have consulted Law Department and Government Pleader for Services, High Court. The Government Pleader for Services in High Court of Hyderabad has opined that "there are no legal grounds to file SLP in this case."

6. In view of the above, the Government, after careful examination of the case and also in view of the orders of Hon'ble High Court in the reference 3rd read above, hereby decide to reinstate Sri P.Harinath Reddy, Senior Accountant (Dismissed), District Treasury Office, Kurnool into service by cancelling the proceedings issued in the reference 1st read above, without prejudice to the Departmental disciplinary proceedings initiated by the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.

7. Now, Government here by order the Director of Treasuries and Accounts, A.P., Hyderabad to reinstate Sri P.Harinath Reddy, Senior Accountant (Dismissed), District Treasury Office, Kurnool into service duly revoking the proceedings issued in the reference 1st read above, with immediate effect.

8. The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. RAMA KRISHNA
SECRETARY TO GOVERNMENT (FAC)

To

1. The Individual through Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.
2. The Director of Treasuries and Accounts Andhra Pradesh, Hyderabad.
3. The Dy. Director, District Treasury, Kurnool.
4. The Accountant General, Andhra Pradesh, Hyderabad.

Copy to

OSD to M(Finance)

PS to Spl. Chief Secretary (Finance)

PS to Secretary(Finance).

SF/SCs.

//FORWARDED :: BY ORDER //

SECTION OFFICER